

REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance are requested.

Claims 1-4, 7-10, 17 and 19-27 are pending, with claims 1, 2, 7, 8 and 9 being independent. Claims 5, 6, 11-16 and 18 were previously cancelled. Claims 1 and 2 have been amended to correct for minor informalities. No new matter has been added.

Claim Rejections – 35 U.S.C. § 112

Claims 1-4 and 21-27 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. The above amendments to claims 1 and 2 are believed to fully address the rejection, and it is therefore requested that the rejection of independent claims 1 and 2, and dependent claims 21-27, be withdrawn.

Double Patenting Rejection

Claims 1-4, 7-10, 17 and 19-26 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 7, 10-12, 15, 16 and 22-27 of copending Application No. 10/577,648 in view of Romankiw (U.S. Patent No. 3,971,710). The Office deems that, although the conflicting claims are not identical, they are not patentably distinct from each other because of the subject matter recited in claims 1-5, 7, 10-12, 15, 16 and 22-27 of copending Application No. 10/577,648.

It is respectfully requested that this provisional double patenting rejection be held in abeyance until all pending claims are found to be otherwise allowable.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 3, 7, 10, 17 and 19-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenfeld (U.S. Patent No. 5,156,720) in view of Faris (U.S. Patent No.

5,096,520), Allen (U.S. Patent No. 6,057,961), Holley (U.S. Patent No. 6,174,578) and Romankiw. Applicants ask for reconsideration and withdrawal of the rejection at least because neither Rosenfeld, Faris, Allen, Holley, Romankiw nor any proper combination of the five, describes or suggests “attaching a second substrate to the subject body by using a first adhesive material **so that the second substrate faces the first substrate**,” and “attaching a support medium to the second substrate by using **a peelable adhesive agent**,” as recited in claim 1 (emphasis added).

Rosenfeld describes a process for producing released films having layers formed by vapor deposition techniques (Rosenfeld: Abstract, cols. 1:8-12, 2:30-48). The Office references the first optical film of Rosenfeld as corresponding to the subject body, and an intermediate substrate of Rosenfeld as corresponding to the support medium. However, the Office Action does not establish how the references describe or suggest “attaching a second substrate to the subject body by using a first adhesive material **so that the second substrate faces the first substrate**,” (emphasis added).

Moreover, in order for Rosenfeld to operate as described in the Office Action in combination with the other cited references, Rosenfeld should describe a process using a first roller for which a first film (where, e.g., the first film corresponds to “second substrate”) is attached to the releasable film formed over the valve metal oxide layer, and second roller for which a second film (where, e.g., the second film corresponds to “support medium”) is attached to the first film over the releasable film. However, FIG. 6 of Rosenfeld shows an apparatus for implementing the process that has only one roller (71), for which only one film is attached to the releasable film (Rosenfeld: col. 7:27-49). Hence, Rosenfeld implements its process with an apparatus that has only a single roller, where the (different) process asserted in the Office Action would require that the apparatus have at least two rollers.

Faris, which is cited in the Office Action as describing the second substrate and a technique for attaching a support medium to the second substrate by using a peelable adhesive agent, does not cure the deficiencies of Rosenfeld. The Office asserts that Faris describes a method of forming polarizing filter arrays, where the method includes coating a starting material

of a laminated sheet (22) that consists of a polarizing filter film (25), a substrate material (23), and a reflective film (24) with a clear adhesive, and stacking layers to form a stack and pressing to laminate films together (Faris: col. 3: 16-21, 43-53). Therefore, the Office cites the laminated sheet 22 or the single filters of Faris as corresponding to the second substrate of claim 1. For the sake of argument, even if Rosenfeld and Faris have the features as asserted by the Office, the Office Action does not establish how the references describe or suggest “attaching a second substrate to the subject body by using a first adhesive material **so that the second substrate faces the first substrate,**” (emphasis added). Rosenfeld and Faris do not describe that the second substrate faces the first substrate.

Furthermore, the Office does not establish how the references describe or suggest “attaching a support medium to the second substrate by using **a peelable adhesive agent,**” as recited in claim 1 (emphasis added). Furthermore, although Faris describes a “clear adhesive” in col. 3:44, Faris does not describe this clear adhesive to be “a peelable adhesive agent.”

Allen, which is cited as describing an adhesive to bond various films, coatings, and fabrics to optical layers; Holley, which is cited as describing an adhesive tape for attaching the support medium; and Romankiw, which is cited as describing a method of anodizing or oxidizing a metal layer, all fail to cure the deficiencies of Rosenfeld and Faris as described above. Moreover, the Office does not establish how one skilled in the art would have had any reason to combine the evaporation or anodization system of Rosenfeld (Rosenfeld: cols. 6: 16-19, 7:38-40) with the laminating system of Faris (Faris: col. 3: 16-21, 39-60), the adhesives and adhesive tapes of Allen and Holley, and the other anodizing or oxidizing method of Romankiw when their completed products are entirely-different in their shape and composition.

For at least these reasons, the rejection of independent claims 1 and 7, and their respective dependent claims, should be withdrawn.

Claim 27, which depends from claim 1, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenfeld (U.S. Patent No. 5,156,720) in view of Faris, Allen, Holley and Romankiw, as applied to claim 21 above, and further in view of Sugimoto (Japanese Patent Publication No. 11-52119). Sugimoto, which is cited as describing a color filter or a color

conversion filter, does not remedy the deficiencies of Rosenfeld, Faris, Allen, Holley and Romankiw discussed above. For at least these reasons, the rejection of claim 27 should be withdrawn.

Claims 2, 4, 8, 9, 25, and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenfeld, Shimizu (U.S. Patent No. 4,934,791), Allen, Holley and Romankiw. Independent claims 2, 8 and 9 are patentable over Rosenfeld, Allen, Holley and Romankiw for at least the reasons described above with respect to claims 1 and 7. Shimizu, which is cited as describing a color filter, does not remedy the deficiencies of Rosenfeld, Allen, Holley and Romankiw. For at least these reasons, the rejection of independent claims 2, 8 and 9, and their respective dependent claims should be withdrawn.

All claims are in condition for allowance.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Akio YAMASHITA et al.
Serial No. : 10/595,310
Filed : April 6, 2006
Page : 12 of 12

Attorney's Docket No.: 12732-0329US1 / PCTUS7433

No fee is believed to be due with the filing of this paper. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: January 12, 2011

/Dwight U. Thompson/
Dwight U. Thompson
Reg. No. 53,688

Customer Number 26171
Fish & Richardson P.C.
Telephone: (202) 783-5070
Facsimile: (877) 769-7945

40693719.doc